

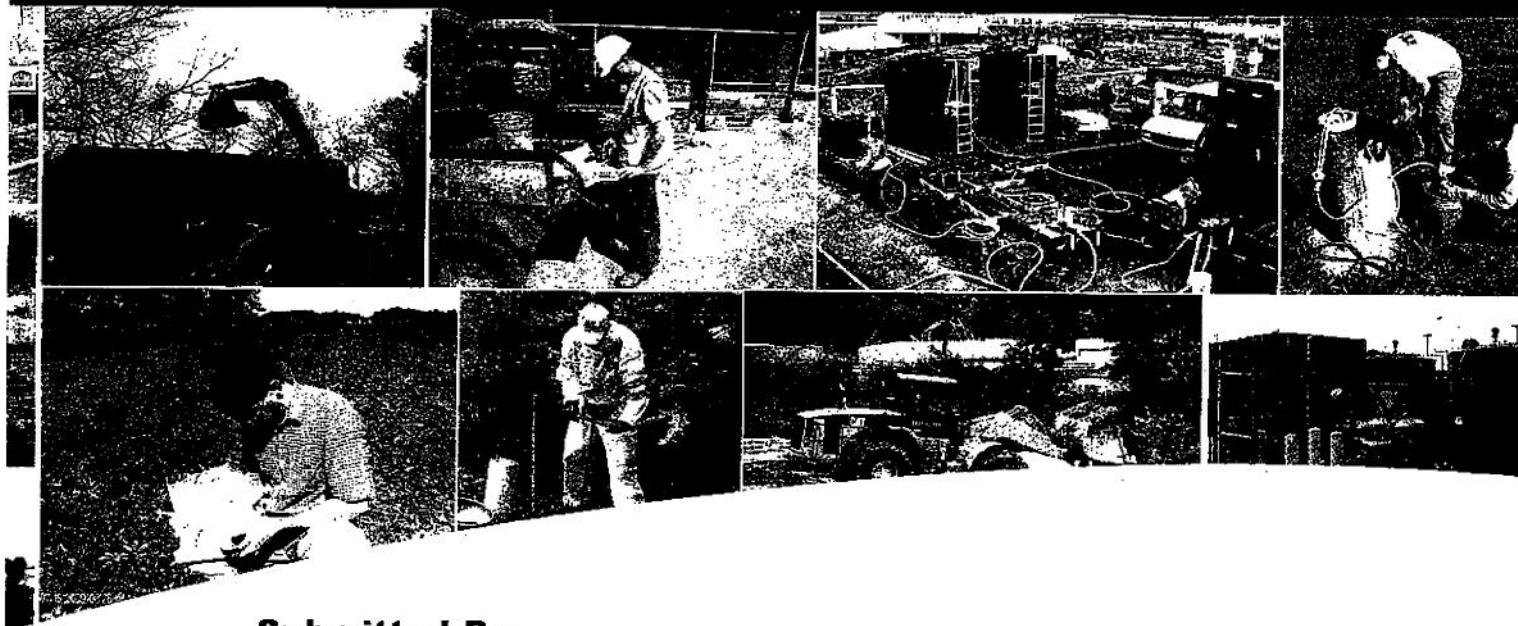


Prepared for
US Environmental Protection Agency
Region 1

Volume I - Technical Proposal Solicitation No. PR-HQ-10-11096

Regional Oversight Contract (ROC-4)
Region 1

November 30, 2010



Submitted By



Mabbett & Associates, Inc.
Environmental Consultants & Engineers

Mabbett & Associates, Inc.
Point of Contact: Paul Steinberg, PE, LSP
5 Alfred Circle, Bedford, MA 01730
DUNS (b)(4)

Paul Steinberg

Paul Steinberg, PE, LSP
Program Manager
781.275.6050, (b)(4) @mabbett.com

(b)(4)

(b)(4)

In Association with

Proprietary Notice

This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used or disclosed - in whole or in part - for any purpose other than to evaluate this proposal. If however, a contract is awarded to this offeror as a result of - or in connection with - the submission of this data, the Government shall have the right to duplicate, use or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction.



Mabbett & Associates, Inc.
Environmental Consultants & Engineers

A VA CERTIFIED SERVICE DISABLED VETERAN OWNED SMALL BUSINESS

5 Alfred Circle
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November 30, 2010

Environmental Protection Agency
Bid and Proposal Room
Ronald Reagan Building
6th Floor (3802R)
1300 Pennsylvania Avenue, NW
Washington, DC 20004



Attention: Derek Davis

Re: Regional Oversight Contract (ROC-4); Solicitation No. PR-HQ-10-11096

Dear Mr. Davis:

Mabbett & Associates, Inc. (M&A) is pleased to offer this proposal to the US Environmental Protection Agency (EPA), Region 1 for its Regional Oversight Contract (ROC-4). (b)(4)

(b)(4)

(b)(4)

(b)(4)

Mr. Derek Davis
November 30, 2010
Page 2 of 2

(b)(4)

Very respectfully,

MABBETT & ASSOCIATES, INC.

BY:



Paul D. Steinberg, P.E., LSP
Senior Vice President and General Manager

Enclosure: Volume 1 Technical Proposal (5 copies and 1 CD)
Volume 2 Cost Proposal (3 copies and 1 CD)

cc: SSS, NKB (MF)

df: PDS, ANM



Prepared for
US Environmental Protection Agency

Volume I - Technical Proposal

Solicitation No. PR-HQ-10-11096

Regional Oversight Contract IV (ROC-4)
Region 1

November 30, 2010



Submitted by



Mabbett & Associates, Inc.
Environmental Consultants & Engineers

Mabbett & Associates, Inc. (M&A)
Point of Contact: Paul Steinberg, PE, LSP
5 Alfred Circle, Bedford, MA 01730
DUNS (b)(4)

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(b)(4)
(b)(4)

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Regional Oversight Contract IV (ROC-4), EPA Region 1
Solicitation No. PR-HQ-10-11096 | NOVEMBER 30, 2010

Agency/Contract Title/Type/Number M&A	Total Contract Value/ Period of Performance	Brief Description of Contract /Relevance to ROC-4 Contract	Agency Contact (Reference) Name/Position/ Phone Number/ Email	List of Sub-Contractors/ Compliance with Sub- contracting Plan Goals
EPA Region 1, RCRA Enforcement, Permitting & Assistance (REPA) Contract, Firm Fixed Rate ID/IQ, EP-W-07-051	\$2.1M/ April 2007 - March 2012	See Project Description in Section 1	Rosanne Sawaya-O'Brien, EPA Regional Technical Contracting Officer's Representative; 617-918-1423; obrien.rosanne@epamail.epa.gov	(b)(4)
(b)(4)				
(b)(4)				
(b)(4)				





Prepared for
US Environmental Protection Agency
Region 1

Volume II - Cost Proposal *Solicitation No. PR-HQ-10-11096*

Regional Oversight Contract (ROC-4)
Region 1

November 30, 2010



Submitted By



Mabbett & Associates, Inc.
Environmental Consultants & Engineers

Mabbett & Associates, Inc.
Point of Contact: Paul Steinberg, PE, LSP
5 Alfred Circle, Bedford, MA 01730
DUNS (b)(4)

Paul Steinberg, PE, LSP
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(b)(4)

In Association with

Proprietary Notice

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"The financial statements provided by Mabbett & Associates, Inc. as required by this request for proposal are "Confidential" documents and are provided for the sole and exclusive use of the U.S. Environmental Protection Agency (EPA) as directly related to the review of this proposal. The financial statements cannot be reproduced, copied, or distributed in whole or in part to any third party. Only those EPA personnel involved in the review and evaluation of this proposal are authorized access to and review of these documents. These are not public documents and as such must be maintained by the EPA as "Confidential".

COST PROPOSAL – VOLUME II

REGIONAL OVERSIGHT CONTRACT REGION 1



**IN RESPONSE TO
U.S. ENVIRONMENTAL PROTECTION AGENCY
SOLICITATION NUMBER: PR-HQ-10-11096**

Prepared by:



Mabbett & Associates, Inc.
Environmental Consultants & Engineers

**5 Alfred Circle
Bedford, MA 01730-2318**

In Association with:

(b)(4)

(b)(4)

November 30, 2010



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AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 7
2. AMENDMENT/MODIFICATION NO. PR-HQ-10-11096/0001		3. EFFECTIVE DATE 11/16/10	4. REQUISITION/PURCHASE REQ. NO. PR-HQ-10-11096
5. PROJECT NO. (If applicable)		7. ADMINISTERED BY (If other than item 6) CODE	
6. ISSUED BY Environmental Protection Agency Bid and Proposal Room, Ariel Rios Building (3802R) 1200 Pennsylvania Avenue, N.W. Washington, DC 20460		Not Applicable.	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP Code)		9A. AMENDMENT OF SOLICITATION NO. PR-HQ-10-11096	
To All Offerors MARSHALL ASSOCIATES, INC. Environmental Engineers and Engineers 5000 Old Church Bedford, MA 01730		9B. DATED (SEE ITEM 11) 10/29/10	
CODE		10A. MODIFICATION OF CONTRACT/ORDER NO.	
FACILITY CODE		10B. DATED (SEE ITEM 13)	
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS			

☒ The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of Offers: ☐ is extended, ☒ is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing items 8 and 15, and returning 1 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

<input checked="" type="checkbox"/>	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☐ is required to sign this document and return _____ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this solicitation amendment is to:

1. Add FAR Clause 52.219-14 Limitations on Subcontracting, to Section I.1 Notice Listing Contract Clauses Incorporated by Reference
2. Modify the clause at E.3 INSPECTION AND ACCEPTANCE (EP 52.246-100) (APR 1984)
3. Modify the provision at L.17 DISCLOSURE STATEMENT FOR ORGANIZATIONAL CONFLICTS OF INTEREST
4. Modify the clause at M.3 EVALUATION FACTORS FOR AWARD (EPAAR 1552.215-71) (AUG 1999)
5. Modify the provision at M.5 EVALUATION OF CONFLICT OF INTEREST PLAN
6. Modify attachment entitled "ROC 4 CLIENT AUTHORIZATION LETTER"

See the following pages of this amendment for all changes to solicitation text. All changes are shown highlighted in yellow.

Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Paul D. Steinberg, Sr. Vice President		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) DEREK DAVIS	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)		16B. UNITED STATES OF AMERICA (Signature of Contracting Officer)	
15C. DATE SIGNED 11/19/10		16C. DATE SIGNED	

NSN 7540-01-152-8073
PREVIOUS EDITION UNUSABLE

30-105

STANDARD FORM 30 (REV 10-83)
Prescribed by GSA
FAR (48 CFR) 52.243

AMENDMENTS TO THE SOLICITATION

1. The Section E clause entitled "INSPECTION AND ACCEPTANCE (EP 52.246-100) (APR 1984)" has been modified. The text is as follows:

E.3 INSPECTION AND ACCEPTANCE (EP 52.246-100) (APR 1984)

(a) The Contracting Officer or the duly authorized representative will perform inspection and acceptance of materials and services to be provided.

(b) For the purposes of this clause, the Contract Level Contracting Officer's Representative is the authorized representative of the Contracting Officer.

(c) Inspection and acceptance will be performed at:

**EPA Region 1
5 Post Office Square
Boston, MA 02109**

2. The Section L clause entitled "DISCLOSURE STATEMENT FOR ORGANIZATIONAL CONFLICTS OF INTEREST" has been modified. The text is as follows:

L.17 DISCLOSURE STATEMENT FOR ORGANIZATIONAL CONFLICTS OF INTEREST

(a) The section K provision, ORGANIZATIONAL CONFLICT OF INTEREST CERTIFICATION (EPAAR 1552.209-72), requires the offeror to certify whether or not it is aware of any potential organizational conflict of interest. If the offeror is aware of any potential conflict of interest, the provision of section L, ORGANIZATIONAL CONFLICT OF INTEREST NOTIFICATION (EPAAR 1552.209-70), requires the offeror to provide a disclosure statement with its proposal describing all relevant information concerning any present or planned interests bearing on whether it (including its chief executives and directors, or any proposed consultant or subcontractor) may have a potential organizational conflict of interest.

(b) The Agency has determined that a firm that has activities or relationships with the federal entities listed below may have a significant potential conflict of interest in relation to the requirements of this solicitation.

1. Naval Education Training Center, Newport, Rhode Island
2. Naval Sub Base, New London, Connecticut
3. Massachusetts Military Reservation/Otis Air Force Base, Cape Cod, Massachusetts
4. South Weymouth Naval Air Station, South Weymouth, Massachusetts
5. U.S. Army Soldier Systems Command, Natick, Massachusetts
6. Fort Devens, Ayer, Massachusetts
7. Pease Air Force Base, Portsmouth, New Hampshire
8. Army Materials Technology Lab, Watertown, Massachusetts
9. Naval Construction Battalion Center, Davisville, Rhode Island
10. Naval Weapons Industrial Reserve Plant, Bedford, Massachusetts
11. Portsmouth Naval Ship Yard, Portsmouth, New Hampshire
12. Hanscom Air Force Base, Bedford, Massachusetts

- 13. Brunswick Naval Air Station, Brunswick, Maine
- 14. Loring Air Force Base, Maine

Firms responding to this solicitation are required to disclose such business relationships and provide the following information, as applicable, for each of the federal entities listed above:

- o Contract Number/Title
- o Brief description of the work performed
- o Dollar Value
- o Period of Performance

(c) In addition to the site specific disclosure notification requirements above, a potential organizational conflict of interest may exist with firms that have significant overall business relationships with certain Federal departments. Firms responding to this solicitation are required to disclose such business relationships and provide the following information.

	(A)	(B)
Federal Department	Total Revenues from this Federal Department	Column (A) as a Percentage of Total Corporate Revenue
Department of Defense (proper)		
Department of Navy		
Department of Army		
Department of the Air Force		

(d) The disclosure statement must address actual and potential organizational conflicts of interest within the offeror's entire corporate umbrella, including parent companies, sister companies, affiliates, subsidiaries, and other interests held by the offeror. In addition to identifying potential organizational conflicts of interest, the disclosure statement shall describe how any such conflicts can be avoided, mitigated, or neutralized. The Contracting Officer will determine an offeror's eligibility for award based on the information provided in the disclosure statement.

(e) The purpose of requiring the information covered by paragraph (b) and (c) above is to provide the Agency with an opportunity to assess its vulnerabilities relative to organizational conflicts of interest of individual offerors prior to award. The Agency recognizes that there exists a need for firms to gain the requisite technical experience necessary to fulfill the requirement of the proposed contract and that such experience is often gained through provision of consulting or related technical services at Federal facilities. Accordingly, the fact that a firm has, is or plans to work for Federal facilities will not necessarily disqualify the firm for consideration for award on the basis of actual or potential conflicts of interest. There is

a concern, however, that firms which depend to a considerable extent on commercial work from Federal facilities covered by this solicitation may have an inherent bias in favor of the responsible Federal entity. The more dependent an offeror is upon work for the Federal entity, the greater concern the Agency will have. There is not a set formula for determining how much corporate business with the Federal entity would result in a determination by the contracting Officer that award to a particular offeror would not be in the best interests of the Government due to organizational conflict of interest concerns; each offeror will be evaluated individually on the basis of the information disclosed pursuant to the requirements of this provision and upon the adequacy of the offeror's plan for avoiding, mitigating, or neutralizing such conflicts. In summary the Agency is seeking a technically qualified firm which can demonstrate that its corporate base of activities will not impact its ability to provide unbiased work products to the Agency under the proposed contract.

3. The Section M clause entitled "EVALUATION FACTORS FOR AWARD (EPAAR 1552.215-71) (AUG 1999)" has been modified. The text is as follows:

M.3 EVALUATION FACTORS FOR AWARD (EPAAR 1552.215-71) (AUG 1999)

(a) The Government will make award to the responsible offeror(s) whose offer conforms to the solicitation and is most advantageous to the Government cost or other factors considered. For this solicitation, all evaluation factors other than cost or price when combined are significantly more important than cost or price.

(b) Evaluation factors and significant subfactors to determine quality of product or service are listed in descending order of importance; along with their weighted assigned evaluation points are described in detail below:

TECHNICAL EVALUATION FACTORS - Regional Oversight Contract IV (ROC-4)

1. Technical Experience:

A. Technical Experience - (ROC) Program: (20 Points)

The offeror's technical experience of the ROC Program will be evaluated on the demonstrated understanding, knowledge, and capability to perform the tasks outlined in the ROC Statement of Work (SOW) and Reports of Work (ROW), how its technical knowledge will be applied under this proposed contract, and how its technical knowledge is beneficial to the Government.

B. Technical Experience - ROC Site Specific Tasks: (20 Points)

The offeror's technical experience of ROC Site Specific Tasks will be evaluated on the demonstrated understanding, knowledge, and capability to perform the following three (3) specific ROC SOW tasks. The Government will evaluate the experience of site specific projects of similar size, scope, and complexity for either commercial or Government clients which were performed by the prime and/or team subcontractor(s), if any, within the past five (5) years. Specifically, the three (3) ROC SOW tasks include:

- B1. Technical Reviews (Task 1)
- B2. RI/FS Support (Task 4.2)
- B3. RD Support (Task 4.4)

2. Understanding/Technical Approach:

The offeror's Understanding/Technical Approach will be evaluated using two subfactors: Technical Knowledge and Innovation Approach.

A. Technical Knowledge: (10 Points)

The offeror's technical knowledge will be evaluated on the demonstrated understanding, knowledge, and capability to perform all tasks of the contract SOW, how its technical knowledge will be applied under this proposed contract, and how its technical knowledge is beneficial to the Government.

B. Innovation Approach: (10 Points)

The offeror's innovation approach will be evaluated on the demonstrated quality of the offeror's approach to cooperate with the Office of Site Remediation and Restoration (OSRR), its ability to provide innovative and creative approaches and ideas to OSRR, and how its innovation approach is beneficial to the Government.

3. Past Performance: (15 Points)

The offeror's past performance shall be evaluated on the demonstrated performance of all or at least 3 contracts and subcontracts performed during the past **five (5) years, and all contracts and subcontracts** currently in process, which are similar in nature to this requirement as specified in the section L clause "Past Performance Information". Offerors with no past performance information will receive a neutral rating.

4. Qualifications, Experience, Staffing, and Availability of Key Personnel: (15 Points)

The offeror's key personnel will be evaluated on the extent to which they possess the appropriate technical knowledge, experience, and expertise on the programs & issues described in the SOW. The availability of the key personnel will be evaluated through letters of commitment for key personnel. In addition, the offeror's staffing levels and labor mix will be evaluated for the ability to perform the tasks of the SOW. The offeror shall propose key personnel for the following four (4) labor categories that the Government has determined are necessary for contract performance to identify as "key".

- Program Manager
- Task Order Manager
- Senior Engineer
- Senior Scientist

5. Location: (10 Points)

The offeror's location shall be evaluated on their ability to obtain and maintain appropriate office and staff presence in Region 1, Boston, MA within a 100 mile radius. Offerors shall describe the following: (a) number of offices, (b) location of offices currently or to be obtained within the region and, (c) the number of personnel by discipline located in the region. If the full SOW cannot be performed by the firm's existing personnel and facilities located entirely within the region, the firm shall clearly demonstrate how resources outside of the region will be obtained over the entire period of the

contract.

Total: (100 Points)

4. The Section M clause entitled "EVALUATION OF CONFLICT OF INTEREST PLAN" has been modified. The text is as follows:

M.5 EVALUATION OF CONFLICT OF INTEREST PLAN

The plan described in Section L entitled, "Conflict of Interest Plan" will be evaluated as acceptable or not acceptable. Notwithstanding the evaluation of an offeror with respect to the technical evaluation criteria or the evaluation of an offeror's cost, an offeror that submits a plan that ultimately is unacceptable at time of award will not be eligible for a contract award. The contractor's COI plan will be evaluated as part of the contractor's responsibility determination.

The offeror shall be evaluated on their demonstrated ability to provide services free of any conflicts of interest at the Region's Federal Facility Sites. The offeror must have no conflict at:

1. **Fort Devens, Ayer, Massachusetts**
2. **Naval Construction Battalion Center, Davisville, Rhode Island**
3. Massachusetts Military Reservation/Otis Air Force Base, Cape Cod, Massachusetts
4. South Weymouth Naval Air Station, South Weymouth, Massachusetts

and the offeror must have no conflict at 7 or more of these sites:

5. U.S. Army Soldier Systems Command, Natick, Massachusetts
6. **Naval Education Training Center, Newport, Rhode Island**
7. Pease Air Force Base, Portsmouth, New Hampshire
8. Army Materials Technology Lab, Watertown, Massachusetts
9. **Naval Sub Base, New London, Connecticut**
10. Naval Weapons Industrial Reserve Plant, Bedford, Massachusetts
11. Portsmouth Naval Ship Yard, Portsmouth, New Hampshire
12. Hanscom Air Force Base
13. Brunswick Naval Air Station, Brunswick, Maine
14. **Loring Air Force Base, Maine**

***The remainder of this page is intentionally left blank.

5. The attachment entitled "ROC 4 CLIENT AUTHORIZATION LETTER" has been modified. The text is as follows:

Client Authorization Letter

[Addressee]

Dear (*Client's name*):

We are currently responding to the Environmental Protection Agency RFP No. PR-HQ-10-11096 for the procurement entitled "Regional Oversight Contract IV (ROC 4) Region 1". The EPA is placing increased emphasis in their acquisitions on past performance as a source selection evaluation factor. Accordingly, we are requesting that you please complete the attached Past Performance Questionnaire for our firm.

The EPA has asked each offeror to send Past Performance Questionnaires to its customers to complete and send to the EPA Contracting Officer. To evaluate us for this procurement, please copy the form onto your company's letterhead, complete and sign it, and email them to Davis.Derek@epa.gov. EPA has requested receipt of this information by close of business **December 7, 2010** as their evaluation will commence shortly thereafter.

Additionally, EPA requires offerors to inform references identified in proposals that EPA personnel may contact them about past performance information. If you are contacted by EPA personnel for information on work we have performed for your organization, you are hereby authorized to respond to the EPA's inquiries.

You are advised that it is Government policy that the identity of sources providing past performance information will not be released outside the Government.

We appreciate your efforts to help the Government fairly evaluate our past performance. Should you have any questions related to this matter, please contact Derek Davis at Davis.Derek@epa.gov.

Sincerely,

[Offeror]

Attachment:
Past Performance Questionnaire



Mabbett & Associates, Inc.
Reps & Certs.



L. Section K

PART IV - REPRESENTATIONS AND INSTRUCTIONS

SECTION K - REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF OFFERORS

K.1 CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (SEP 2005)_ (FAR 52.203-11) (SEP 2007)

(a) *Definitions.* As used in this provision-"Lobbying contact" has the meaning provided at 2 U.S.C. 1602(8). The terms "agency," "influencing or attempting to influence," "officer or employee of an agency," "person," "reasonable compensation," and "regularly employed" are defined in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12).

(b) *Prohibition.* The prohibition and exceptions contained in the FAR clause of this solicitation entitled "Limitation on Payments to Influence Certain Federal Transactions" (52.203-12) are hereby incorporated by reference in this provision.

(c) *Certification.* The offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on its behalf in connection with the awarding of this contract.

(d) *Disclosure.* If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.

(e) *Penalty.* Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required to be filed or amended by this provision, shall be subject to a civil penalty of not less than \$10,000, and not more than \$100,000, for each such failure.

**K.2 ANNUAL REPRESENTATIONS AND CERTIFICATIONS (FAR 52.204-8) (FEB 2009)
DEVIATION**

(a) (1) The North American Industry Classification System (NAICS) code for this acquisition is 541620 Environmental Consulting Services.

(2) The small business size standard is \$7,000,000.00.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) (1) If the clause at 52.204-7, Central Contractor Registration, is included in this solicitation, paragraph (d) of this provision applies.

(2) If the clause at 52.204-7 is not included in this solicitation, and the offeror is currently registered in CCR, and has completed the ORCA electronically, the offeror may choose to use paragraph (d) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The offeror shall indicate which option applies by checking one of the following boxes:

☒ (i) Paragraph (d) applies.

☐ (ii) Paragraph (d) does not apply and the offeror has completed the individual representations and certifications in the solicitation.

(c) (1) The following representations or certifications in ORCA are applicable to this solicitation as indicated:

(i) 52.203-2, Certificate of Independent Price Determination.

This provision applies to solicitations when a firm-fixed-price contract or fixed-price contract with economic price adjustment is contemplated, unless--

(A) The acquisition is to be made under the simplified acquisition procedures in Part 13;

(B) The solicitation is a request for technical proposals under two-step sealed bidding procedures; or

(C) The solicitation is for utility services for which rates are set by law or regulation.

(ii) 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. This provision applies to solicitations expected to exceed \$100,000.

(iii) 52.204-3, Taxpayer Identification. This provision applies to solicitations that do not include the clause at 52.204-7, Central Contractor Registration.

(iv) 52.204-5, Women-Owned Business (Other Than Small Business). This provision applies to solicitations that--

- (A) Are not set aside for small business concerns;
- (B) Exceed the simplified acquisition threshold; and
- (C) Are for contracts that will be performed in the United States or its outlying areas.

(v) 52.209-5, Certification Regarding Responsibility Matters. This provision applies to solicitations where the contract value is expected to exceed the simplified acquisition threshold.

(vi) 52.214-14, Place of Performance--Sealed Bidding. This provision applies to invitations for bids except those in which the place of performance is specified by the Government.

(vii) 52.215-6, Place of Performance. This provision applies to solicitations unless the place of performance is specified by the Government.

(viii) 52.219-1, Small Business Program Representations (Basic & Alternate I). This provision applies to solicitations when the contract will be performed in the United States or its outlying areas.

(A) The basic provision applies when the solicitations are issued by other than DoD, NASA, and the Coast Guard.

(B) The provision with its Alternate I applies to solicitations issued by DoD, NASA, or the Coast Guard.

(ix) 52.219-2, Equal Low Bids. This provision applies to solicitations when contracting by sealed bidding and the contract will be performed in the United States or its outlying areas.

(x) 52.222-22, Previous Contracts and Compliance Reports. This provision applies to solicitations that include the clause at 52.222-26, Equal Opportunity.

(xi) 52.222-25, Affirmative Action Compliance. This provision applies to solicitations, other than those for construction, when the solicitation includes the clause at 52.222-26, Equal Opportunity.

(xii) 52.222-38, Compliance with Veterans' Employment Reporting Requirements. This provision applies to solicitations when it is anticipated the contract award will exceed the simplified acquisition threshold and the contract is not for acquisition of commercial items.

(xiii) 52.223-1, Biobased Product Certification. This provision applies to solicitations that require the delivery or specify the use of USDA-designated items; or include the clause at 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts.

(xiv) 52.223-4, Recovered Material Certification. This provision applies to solicitations that are for, or specify the use of, EPA-designated items.

(xv) 52.225-2, Buy American Act Certificate. This provision applies to solicitations containing the clause at 52.225-1.

(xvi) 52.225-4, Buy American Act--Free Trade Agreements--Israeli Trade Act Certificate. (Basic, Alternate I, and Alternate II) This provision applies to solicitations containing the clause at 52.225-3.

(A) If the acquisition value is less than \$25,000, the basic provision applies.

(B) If the acquisition value is \$25,000 or more but is less than \$50,000, the provision with its Alternate I applies.

(C) If the acquisition value is \$50,000 or more but is less than \$67,826, the provision with its Alternate II applies.

(xvii) 52.225-6, Trade Agreements Certificate. This provision applies to solicitations containing the clause at 52.225-5.

(xviii) 52.225-20, Prohibition on Conducting Restricted Business Operations in Sudan--Certification.

(xix) 52.226-2, Historically Black College or University and Minority Institution Representation. This provision applies to--

(A) Solicitations for research, studies, supplies, or services of the type normally acquired from higher educational institutions; and (B) For DoD, NASA, and Coast Guard acquisitions, solicitations that contain the clause at 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns.

(2) The following certifications are applicable as indicated by the Contracting Officer:

[Contracting Officer check as appropriate.]

-----(i) 52.219-19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program.

------(ii) 52.219-21, Small Business Size Representation for Targeted Industry Categories Under the Small Business Competitiveness Demonstration Program.

-----(iii) 52.219-22, Small Disadvantaged Business Status.

------(A) Basic.

------(B) Alternate I.

------(iv) 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products.

------(v) 52.222-48, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Certification.

------(vi) 52.222-52 Exemption from Application of the Service Contract

Act to Contracts for Certain Services--Certification.

----- (vii) 52.223-9, with its Alternate I, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (Alternate I only).

----- (viii) 52.223-13, Certification of Toxic Chemical Release Reporting.

----- (ix) 52.227-6, Royalty Information.

----- (A) Basic.

----- (B) Alternate I.

----- (x) 52.227-15, Representation of Limited Rights Data and Restricted Computer Software.

(d) The offeror has completed the annual representations and certifications electronically via the Online Representations and Certifications Application (ORCA) website at <http://orca.bpn.gov>. After reviewing the ORCA database information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically that apply to this solicitation as indicated in paragraph (c) of this provision have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201); except for the changes identified below [offeror to insert changes, identifying change by clause number, title, date]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

<u>FAR Clause #</u>	<u>Title</u>	<u>Date</u>	<u>Change</u>
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Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on ORCA.

K.3 CERTIFICATION REGARDING RESPONSIBILITY MATTERS (FAR 52.209-5) (APR 2010)

(a) (1) The Offeror certifies, to the best of its knowledge and belief, that -

(i) The Offeror and/or any of its Principals -

(A) Are [] are not [] presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any

Federal agency:

(B) Have ☐ have not ☐, within a 3-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property (if offeror checks "have", the offeror shall also see 52.209-7, if included in this solicitation); and

(C) Are ☐ are not ☐ presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(3) of this provision; and

(D) Have ☐ have not ☐, within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$3,000 for which the liability remains unsatisfied.

(1) Federal taxes are considered delinquent if both of the following criteria apply:

(i) The tax liability is finally determined. The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.

(ii) The taxpayer is delinquent in making payment. A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

(2) Examples. (i) The taxpayer has received a statutory notice of deficiency, under I.R.C. § 6212, which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(ii) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. § 6320 entitling the taxpayer to request a hearing with the IRS Office of Appeals contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(iii) The taxpayer has entered into an installment agreement pursuant to I.R.C. § 6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

(iv) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C. 362 (the Bankruptcy Code).

(ii) The Offeror has [] has not [], within a 3-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) "Principal," for the purposes of this certification, means an officer, director, owner, partner, or a person having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a division or business segment; and similar positions).

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER SECTION 1001, TITLE 18, UNITED STATES CODE.

(b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.

(d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

K.4 PLACE OF PERFORMANCE (FAR 52.215-6) (OCT 1997)

(a) The offeror or respondent, in the performance of any contract resulting from this solicitation, ☐ intends, ☒ does not intend [check applicable block] to use one or more plants or facilities located at a different address from the address of the offeror or respondent as indicated in this proposal or response to request for information.

(b) If the offeror or respondent checks "intends" in paragraph (a) of this provision, it shall insert in the following spaces the required information:

Place of Performance (Street Address, City, State, County, Zip Code)	Name and Address of Owner and Operator of the Plant or Facility if Other than Offeror or Respondent
_____	_____
_____	_____

K.5 SMALL BUSINESS PROGRAM REPRESENTATIONS (FAR 52.219-1) (MAY 2004)

(a) (1) The North American Industry Classification System (NAICS) code for this acquisition is 541620 Environmental Consulting Services.

(2) The small business size standard is \$7,000,000.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) *Representations.*

(1) The offeror represents as part of its offer that it ☒ is, ☐ is not a small business concern.

(2) *[Complete only if the offeror represented itself as a small business concern in paragraph (b) (1) of this provision.]* The offeror represents, for general statistical purposes, that it ☐ is, ☐ is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) *[Complete only if the offeror represented itself as a small*

business concern in paragraph (b)(1) of this provision.] The offeror represents as part of its offer that it ☐ is, ☒ is not a women-owned small business concern.

(4) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents as part of its offer that it ☒ is, ☐ is not a veteran-owned small business concern.

(5) [Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (b)(4) of this provision.] The offeror represents as part of its offer that it ☒ is, ☐ is not a service-disabled veteran-owned small business concern.

(6) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents, as part of its offer, that--

(i) It ☐ is, ☒ is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126; and

(ii) It ☐ is, ☒ is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b)(6)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:_____.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c) Definitions. As used in this provision--

"Service-disabled veteran-owned small business concern"--

(1) Means a small business concern--

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which

are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

"Small business concern," means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

"Veteran-owned small business concern" means a small business concern-

(1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

"Women-owned small business concern," means a small business concern

--
(1) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

(d) Notice.

(1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of

the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall --

- (i) Be punished by imposition of fine, imprisonment, or both;
- (ii) Be subject to administrative remedies, including suspension and debarment; and
- (iii) Be ineligible for participation in programs conducted under the authority of the Act.

K.6 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FAR 52.222-22) (FEB 1999)

The offeror represents that--

- (a) It ☒ has, ☐ has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;
- (b) It ☒ has, ☐ has not filed all required compliance reports; and
- (c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

K.7 AFFIRMATIVE ACTION COMPLIANCE (FAR 52.222-25) (APR 1984)

The offeror represents that--

- (a) It ☐ has developed and has on file, ☐ has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or (b) It ☒ has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

K.8 CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING (FAR 52.223-13) (AUG 2003)

a) Executive Order 13148, of April 21, 2000, Greening the Government through Leadership in Environmental Management, requires submission of this certification as a prerequisite for contract award.

(b) By signing this offer, the offeror certifies that--

(1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or

(2) None of its owned or operated facilities to be used in the performance of this contract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons: *[Check each block that is applicable.]*

☐ (i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed in 40 CFR 372.65;

☐ (ii) The facility does not have 10 or more full-time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

☐ (iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

☐ (iv) The facility does not fall within the following Standard Industrial Classification (SIC) codes or their corresponding North American Industry Classification System sectors:

(A) Major group code 10 (except 1011, 1081, and 1094).

(B) Major group code 12 (except 1241).

(C) Major group codes 20 through 39.

(D) Industry code 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce).

(E) Industry code 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C (42 U.S.C. 6921, et seq.), 5169, 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis); or

[] (v) The facility is not located in the United States or its outlying areas.

K.9 ORGANIZATIONAL CONFLICT OF INTEREST CERTIFICATION (EPAAR 1552.209-72) (APR 1984)

The offeror [] is ☒ is not aware of any information bearing on the existence of any potential organizational conflict of interest. If the offeror is aware of information bearing on whether a potential conflict may exist, the offeror shall provide a disclosure statement describing this information. (See Section L of the solicitation for further information.)

K.10 SOCIAL SECURITY NUMBERS OF CONSULTANTS AND CERTAIN SOLE PROPRIETORS AND PRIVACY ACT STATEMENT (EPAAR 1552.224-70) (APR 1984)

(a) Section 6041 of Title 26 of the U.S. Code requires EPA to file Internal Revenue Service (IRS) Form 1099 with respect to individuals who receive payments from EPA under purchase orders or contracts. Section 6109 of Title 26 of the U.S. Code authorizes collection by EPA of the social security numbers of such individuals for the purpose of filing IRS Form 1099. Social security numbers obtained for this purpose will be used by EPA for the sole purpose of filing IRS Form 1099 in compliance with Section 6041 of Title 26 of the U.S. Code.

(b) If the offeror or quoter is an individual, consultant, or sole proprietor and has no Employer Identification Number, insert the offeror's or quoter's social security number on the following line.

.....

K.11 CONTROL AND SECURITY OF FIFRA CONFIDENTIAL BUSINESS INFORMATION (EP 52.235-135) (AUG 1993)

The offeror certifies that--

The Contractor and its employees have read and are familiar with the requirements for the control and security of FIFRA CBI contained in the manual entitled "FIFRA Information Security Manual". (See also EP52.235-140 elsewhere in this solicitation.)

K.12 SIGNATURE BLOCK (EP 52.299-900) (APR 1984)

I hereby certify that the responses to the above Representations, Certifications and other statements are accurate and complete.

Signature: Paul D. Steinberg
Paul D. Steinberg
Title : Sr. Vice President & General Manager
Date : 24 November 2010

***The remainder of this page is intentionally left blank.